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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: VOLKSWAGEN “CLEAN
DIESEL” MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

Master File No.: 15-MD-2672

MDL No. 2672

This Document Relates to:

ALL ACTIONS

**APPLICATION OF JAMES M. TERRELL FOR APPOINTMENT TO
THE PLAINTIFFS' STEERING COMMITTEE**



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January 8, 2015

FILED VIA CM/ECF

Honorable Charles R. Breyer
United States District Judge
United States District Court
for the Northern District of California
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

RE: IN RE: VOLKSWAGEN “CLEAN DIESEL” MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION, MDL NO. 2672 CRB (JSC)

Pursuant to the Court’s Order dated December 22, 2015 (Dkt. # 336), James M. Terrell of McCallum, Methvin & Terrell, P.C. respectfully submits this application for appointment to serve as a member of the Plaintiffs’ Steering Committee representing non-Volkswagen automobile dealers. In support of this application, the undersigned states that his ability to work cooperatively with Lead Counsel, his experience serving as Class Counsel in class actions and serving in various capacities in other MDLs, his unique status representing a geographically diverse group of automobile dealers asserting Lanham Act claims against Volkswagen and his willingness to devote the time and resources necessary to this important litigation, warrants appointment.

I. JAMES M. TERRELL SATISFIES THE REQUIREMENTS TO SERVE ON THE PLAINTIFFS’ STEERING COMMITTEE

Mr. Terrell is counsel of record in the *Carriage Chevrolet, Inc. v. Volkswagen of America Group, Inc., et al.* action filed on December 23, 2015 and pending in the United States District Court for the Eastern District of Tennessee and the *Windham Motor Company, Inc. v. Volkswagen of America Group, Inc., et al.* action filed on December 23, 2015 and pending in the United States District Court for the Southern District of Alabama. Conditional Transfer Orders were entered by the JPML on January 5, 2016, and these actions are awaiting transfer to this Court on January 12, 2016. Mr. Terrell and his law firm, McCallum, Methvin & Terrell, P.C., have an extensive track record litigating complex, class actions throughout the United States.

A. Professional Experience in Similar Complex Litigation and MDL experience

Mr. Terrell has been appointed as Class Counsel in more than ten (10) nationwide class actions involving commercial transactions, including serving as Class Counsel for the Hospital Policyholders in *In re: Reciprocal of America (ROA) Sales Practices MDL*, MDL No. 1551 (W.D.Tenn.). Currently, Mr. Terrell serves as a member of the Class Certification Committee for the Subscriber Class in *In re: Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406 (N.D.Ala.) and also serves as Co-Chair of the Law and Briefing Committee in *In re: CHS Data Breach Litigation*, MDL No. 2595 (N.D.Ala.).

Mr. Terrell has also served in other capacities supporting the efforts of Lead Counsel, Liaison Counsel or the Steering Committee in several MDLs such as *In re: TFT-LCD Antitrust Litigation*, MDL No. 1827 (N.D.Cal), *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917 (N.D.Cal.), *In re: H & R Block Express IRA Marketing Litigation*, MDL No. 1786 (W.D.Mo.), *In re: Lipitor Antitrust Litigation*, MDL No. 2332 (D.N.J) and *In re: Hyundai and Kia Fuel Economy Litigation*, MDL No. 2424 (C.D.Cal.). In each of these MDLs, Mr. Terrell has competently performed all necessary tasks assigned to him. Further background information about Mr. Terrell can be found in his resume (attached as Exhibit "A").

B. Names and Contact Information for MDL Judges

The table below contains contact information for the MDL Judges referenced above where Mr. Terrell appeared in the role of Class Counsel or on a substantive committee:

MDL	Judge	Address	Phone	Email
<i>In re: Reciprocal of America (ROA) Sales Practices MDL</i> , MDL No. 1551 (W.D.Tenn.)	Honorable J. Daniel Breen	U.S. District Court for the Western District of Tennessee 111 South Highland, Room 444, Jackson, TN 38301	(731) 421-9250	ECF Judge Breen @tnwd.uscourts.gov
<i>In re: Blue Cross Blue Shield Antitrust Litigation</i> , MDL No. 2406 (N.D.Ala.)	Honorable R. David Proctor	U.S. District Court for the Northern District of Alabama Hugo L. Black Courthouse 1729 Fifth Avenue North Birmingham, AL 35203	(205) 278-1980	proctor_chambers @alnd.uscourts.gov
<i>In re: CHS Data Breach Litigation</i> , MDL No. 2595 (N.D.Ala.)	Honorable Karon O. Bowdre	U.S. District Court for the Northern District of Alabama Hugo L. Black Courthouse 1729 Fifth Avenue North Birmingham, AL 35203	Un-published	bowdre_chambers @alnd.uscourts.gov

C. Willingness and ability to immediately commit to a time consuming process.

Mr. Terrell is willing and available to immediately commit the necessary time and resources to this litigation with a full understanding of the demands that will be placed upon him if selected by the Court to serve on the Steering Committee.

D. Willingness and ability to work cooperatively with others

As an active member of the Alabama State Bar and the American Bar Association, Mr. Terrell routinely demonstrates his ability to work cooperatively with others by serving in various leadership positions within both of these organizations. Furthermore, Mr. Terrell's nationwide practice and his dedication in serving the American Bar Association allows him to frequently work cooperatively with attorneys from around the country who represent diverse types of clients.

E. Access to sufficient resources to advance the litigation in a timely manner

While Mr. Terrell is a member of a relatively small law firm, he and his firm are fully committed to devoting the time, labor and financial resources necessary for advancement of this litigation.

F. Appointment to Serve on the Plaintiffs' Steering Committee and Other Considerations

Mr. Terrell respectfully requests appointment to serve on the Steering Committee representing non-Volkswagen automobile dealers who have filed Lanham Act claims as well as state law claims. Mr. Terrell believes that these automobile dealers need a separate voice representing them on the Steering Committee given the differences between their claims and the claims of Volkswagen consumers.

Respectfully submitted,



James M. Terrell

EXHIBIT A

James M. Terrell is a shareholder in the law firm of McCallum, Methvin & Terrell, P.C. He graduated from Birmingham-Southern College with a B.A. degree in Political Science in 1995 and received his Juris Doctorate from the University of Alabama School of Law in 1998 where he served as a Senior Editor of the *Alabama Law Review*. At the University of Alabama School of Law, Mr. Terrell also served as a member of the Jessup International Moot Court team and the John A. Campbell Moot Court Board. He was admitted to practice law in Alabama in 1998 and in Mississippi in 2001.

Mr. Terrell practices in the areas of class actions, complex litigation, business litigation and consumer protection. He is a past-president of the Young Lawyers Section of the Alabama State Bar, a graduate of the Alabama State Bar Leadership Forum, and former chair of the Alabama State Bar's Pro Bono and Public Service Committee. He previously served as a member of the Alabama Supreme Court Chief Justice's Commission on Professionalism and is currently a member of the Board of Directors for Legal Services Alabama – a grantee of Legal Services Corporation. Mr. Terrell also served as a Vice-Chair of the Business Litigation Committee and is a member of the Ethics and Professionalism Committee of the Torts, Trial and Insurance Practice Section of the American Bar Association. He also currently serves as Co-Chair of the Consumer Protection Subcommittee of the Attorneys General and Department of Justice Issues Committee of the State and Local Government Law Section of the American Bar Association.

Mr. Terrell is a frequent lecturer on class actions and recently co-authored the Introduction Section of the American Bar Association's Practitioner's Guide to Class Actions, 2012 Supplement. He has been selected for inclusion in Alabama Super Lawyers® for the Class Action/Mass Torts practice area in 2013, 2014, 2015 and 2016. Mr. Terrell is a member of the American Bar Association, the Alabama State Bar, the Birmingham Bar Association, the Mississippi Bar Association, the Alabama Association for Justice and the American Association for Justice.

EXHIBIT B

The following counsel support the application of James M. Terrell for steering committee member:

Name	Address
Jayne Conroy	SIMMONS HANLY CONROY, LLC One Court Street Alton, Illinois 62002 Tel: (618) 259-2222 jconroy@simmonsfirm.com
David J. Hodge	MORRIS, KING & HODGE, P.C. 200 Pratt Avenue Huntsville, AL 35801 Tel: (256) 536-0588 dhodge@mkhlawyers.com
Joel Connally	STRENGTH & CONNALLY, LLC 7020 Fain Park Dr, Ste 3 Montgomery, AL 36117 Tel: (334) 387-2121 jc@strengthconnally.com